

Appn. Number: 08/580,493

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 08/580,493

Appn. Filed: 1995 Dec 29

Applicant: Philippe Berna

Appn. Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE  
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A  
DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2002, January 25, Fri

PETITION FOR EXTENSION OF TIME

Outstanding Office Communication Mailed 2001, Nov 30 and Arrived 2002, Jan 3

Original Period for Filing a Response Expired 2001, Dec 30

Request for Extension of one Month to 2002, Jan 30

Sml. Ent. Petn. Fee For: \$55

Commissioner for Patents

Washington, District of Columbia 20231

Sir:

In the above application, applicant respectfully petitions that the period for response to the outstanding Office Communication indicated above be extended for one additional month, also indicated above. Can be found below:

☐ a payment form for this extension fee (Small Entity);

A verified statement to establish small entity status was enclosed for the above application and such status is still proper and desired.

Submitted with deference.

*Philippe* BERNA

Philippe Berna, Applicant Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France; Phone  
and Fax Number: (33) 46 624 3518

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Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2002, January 11, Fri

COMPLAINT CONFIRMATION

Last Final Rejection Mailed 2001, March 16  
Period for Filing a Response with Extension of 2 Months Expired 2001, August 16  
Date FedEx delivered a Response at a PTO street address on 2001, August 16  
Outstanding letter from the Office of Petitions signed by Bervely M. Flanagan Mailed  
2001, December 17 and arrived 2002, January 10 (paper No. 78)

Hon. Commissioner for Patents  
Washington, District of Columbia 20231

RECEIVED  
FEB 25 2002  
OFFICE OF PETITIONS

Sir:

In the outstanding letter from the Office of Petitions signed by Bervely M. Flanagan Mailed 2001, December 17 and arrived 2002, January 10 (paper No. 78), the complaint filed by facsimile on 2001, November 16 has been misinterpreted as a petition. This complaint was deploring that a request for continued examination in the form of a continuing patent application to above-mentioned application under old rule 37 C.F.R. 1.62, which was delivered at a PTO street address on 2001, August 16 has been given a filing date late by 7 days.

Applicant maintains that this complaint must be still interpreted as a complaint according to 37 C.F.R. 1.3 and not as a petition.

This complaint has been filed for complaining against the employee in charge of the registration of the incoming correspondence to the PTO who gave a filing date to this application, which is seven days later than the real date. Because of this misdating, applicant suffered a damage, a lost over \$250.00. Indeed applicant must have filed on 2001, September 13, to keep his application alive, a request for extension of time by one third month and paid the corresponding penalty fee of \$250.00. This sum was coming in addition to the money and time spent on phone before to get vainly an actual information about the filing date.

Now if this complaint were recognized as justified, it would be found equitable that the applicant would be refunded of this sum.

But it would seem unfair to impose an applicant an additional penalty fee of \$130.00 because this applicant has already been penalized by \$250.00 unduly. It is not applicant's fault if this application has been given a filing date, which is 7 days later than the actual filing date, which normally, according to 37 C.F.R. 1.6 (a) and

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(c), ought to be the date at which the correspondence reaches the PTO.

It is rather strange that each time in the past when applicant filed a continuing application, there was an attempt to put his application in jeopardy. There has been an invented fourth independent claim, a constant response for more than one year that nothing had been received when the traveler's checks had been cleared in favor of the PTO within the first fortnight after the mailing date of the application. The minimum was an absence of a statement that the application had been given a filing date or had been interpreted as another kind of application.

Very respectfully submitted,

*Philippe* BERNA

Philippe Berna, Applicant Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper of two pages including this one is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna

*Philippe* BERNA

Signature

01/11/02

Date